IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1672 of 2001

For Approval and Signature:

Hon'ble HON'BLE MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAGUBHAI TIDABHAI KODIYATAR

Versus

ADIJATI VIKAS COMMISSIONER

Appearance:

1. Special Civil Application No. 1672 of 2001

MR TUSHAR MEHTA for Petitioner No. 1

MR SUD, A.G.P. for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

Date of decision: 26/08/2003

ORAL JUDGEMENT

1. Rule. Learned A.G.P. Shri Sud waives service of Notice of Rule for the respondent. At the joint request of learned Counsel for the party the matter is heard and disposed of today by this order

2. The petitioner belongs to Rabari community hailing from Gir, Berda and Alech Area. He applied before the District Social Welfare Officer, Junagadh (Panchayat) and obtained a caste certificate of Scheduled Tribe. His

caste certificate was cancelled by the respondent Commissioner by his order dated 4.7.2000, against which this petition is filed.

3. Letters Patent Appeal No.1670 of 1999 came to be decided by the Division Bench of this Court on 31.8.2000 wherein it has been held that "Vighat Darshak Cards" cannot be said to be conclusive evidence and accordingly the order passed by the learned Single Judge of this Court, allowing the writ petition, was quashed and set aside. However, the Division Bench observed that Committee of 3 persons be constituted in the matter for issuing the Caste Certificate which can examine the case of individuals regarding their caste. The photostat copy of the said Judgment is produced on record. The said Judgment was delivered after a period of one month or so of the decision taken at Annexure : A.

4. In view of the Division Bench Judgment of this Court the petitioner is directed to approach the said Committee for his Caste Certificate. If the petitioner approaches the committee within one month from today then the said Committee shall consider and decide the said Application of the petitioner within 3 months from the date of Application.

With this observation and direction this petition is disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

Date : August 26, 2003 (B.J.Shethna, J.)

sas